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August 29, 2023

**VIA ECF**

The Honorable Ronnie Abrams  
United States District Judge  
Southern District of New York  
United States Courthouse  
500 Pearl Street, Room  
New York, New York 10007

Re: Kyle Bragg, as Trustee and the Trustees of the Building  
Service 32BJ Health Fund, Plaintiff -v.- Tri Consulting Inc.  
Plaintiffs' Order to Show Cause, seeking a Default Judgment  
OSC for Default Judgment hearing scheduled for  
September 6, 2023 at 2:00p.m. (via phone)  
Case No. 1-22-cv-00995 (RA)

Dear Judge Abrams:

This firm represents Kyle Bragg, as Trustee, and the Trustees of the Building Service 32BJ Health Fund, the ("Plaintiffs") in the above captioned case. Plaintiffs brought this action pursuant to Sections 502(a)(3) and 515 of the Employee Retirement Income Security Act and Section 301 of the Labor-Management Relations Act of 1947, seeking statutory and contractual obligations to pay and/or submit monetary contributions due to the Plaintiffs Funds.

Plaintiffs' complaint sought payment of Audit findings from Tri Consulting Inc. (the "Defendant") for unpaid employee benefit funds covered by ERISA. Defendant is a cleaning contractor that operates in and around the Washington D.C. area.

Plaintiffs write to advise the court that the parties have reached a tentative settlement which will resolve all the remaining issues in this case. Last month, the Defendant paid Plaintiffs all the audit principal due in this case. The new pending settlement between the parties will resolve all the remaining issues in the case, which include the amounts due to Plaintiffs for

interest, liquidated damages, court costs and fees and the Plaintiffs' attorney fees. I expect this matter to be fully resolved within the next two weeks.

Due to this recent development, Plaintiffs respectfully request that the court mark this case as Voluntarily Dismissed without Prejudice, by Plaintiffs, with leave to re-open the case within sixty days from the date of the dismissal. The Voluntary Dismissal by Plaintiffs would be pursuant to the Rule 41 (a) 1 (A) i, of the Federal Rules of Civil Procedure. The Defendant never appeared in this action and does not have an attorney representing them in this case.

Based on the foregoing, please advise if the court will grant the Plaintiffs' request to Voluntarily Dismiss this case without prejudice, with leave to re-open the case within sixty days, from the date of dismissal. Due to the new settlement, Plaintiffs also request that Your Honor cancel the Order to Show Cause Hearing for this case, which is scheduled for September 8, 2023 at 2:00 p.m., by phone.

Plaintiffs thank the court for the court's time and attention to this case.

Respectfully submitted,

/s/ Maura Breen

Maura Breen

cc: Tri Consulting Inc.  
Mr. Brahim Zahar email- bzahar@triconsulting-us.com

Application granted. This action is hereby dismissed without prejudice pursuant to Federal Rule of Civil Procedure 41(a)(1) (A)(i), with leave to re-open the case within sixty days of this Order. The Show Cause Hearing currently scheduled for September 8, 2023 is adjourned.

The Clerk of Court is respectfully directed to terminate the motions pending at ECF No. 38 and 48 and close this case.

SO ORDERED.

A handwritten signature in blue ink, appearing to read 'Ronnie Abrams', is written over a horizontal line.

Hon. Ronnie Abrams  
August 30, 2023